

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Eric Maradiaga,)	C.A. #4:05-2836-PMD
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Darren Wilson, Highway Patrolman; David Thomley, Captain and Highway Patrolman,)	
)	
Defendants.)	
)	

This matter is before the court upon the magistrate judge's recommendation that plaintiff's motions for default judgment be denied . The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(A) and (B).

The Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge,

IT IS ORDERED that plaintiff's motions for default judgment are **DENIED**, and the Clerk of Court shall send Forms USM-285 and summonses to plaintiff giving him thirty (30) days from the date of this Order to provide updated address(es) for the unserved defendant(s).

IT IS FURTHER ORDERED that the U.S. Marshal Service shall attempt to re-serve defendant Wilson at the previous address given by plaintiff if plaintiff is unable to provide a more current address within thirty (3) days in the event defendant Wilson has returned from

Iraq.

ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina
July 11, 2006